G. R. S. 58
Previous references.

1913.

(Inwrai)

File No. 35—13

Serial Nos. 166

Later references.

107-18-34
1719

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 166

Part B. for Jnly 1914

SUBJECT.

Pujaristip of Karehalli Amma's temple at Karehalli in the Kadur Taluk.

Sl No 1.—From Bhadra-Era (Bestars) of Karehalli Petition No 157 Dated 17th July 1913.
Appeals against the Deputy Commissioner order Confirming the decision of the Assistant Commissioner, Kadur Sub-D declaring the right of the Respondent Thimma and mayiga to perform Puja of the temple.

GPB. 8,000—7-4-07

2. To the Deputy Cmr, Kadur Dis. No 1455 Dt 11-8-14
Forwarded the above for report with the

G R.S. 11] 1913.

GENERAL AND REVENUE SECRETARIAT.

(Miscellaneous)

NOTES.

File No. 35-13

FILE HEADING.

Puja hak of Karehalli Amma's temple in Karehalli Village in the Kadur Taluk

From

Bhadra, Erra (Bestars) of Karehalli presented by Narasimhaiya

No. Petition Dated 17.7.13 Received

Diary No. 157	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Appeals against the Dy. Commrs. order confirming the decision of the Asst Commr, Kadur Sub Divn declaring the right of the respts (Timma and Naiga) to perform Puja of Karehalli amma.

NOTES AND ORDERS.

The Dy. Commrs. order purports to say that the respts who are Marikurubars are the hakdar Pujaries, that some years ago, the villagers headed by the Yahivatdar of the temple ousted the Marikurubars and placed

NOTES—First Sheet.

GPB—35,000—15 6 12

G. R. S. 12]

General and Revenue Secretariat. | File No. 35 of 1913

Serial No.

the Bestars in charge of the duties. The Dy. Commr has confirmed the decision of the Asstt Commr declaring the right to perform Puja in favor of the respts.

Against the foregoing order, the Bestars – Bhadra and Era – have appealed to Govt. The main grounds for appeal are:–

(1) that the respondents according to their admission were dispossessed of their office since 1893, and their right if any is barred by limitation,

(2) that the apllts. have been in uninterrupted adverse possession and enjoyment of the office for more than 12 years,

(3) that the application filed on 8th May 1897 by the respts' fathers in the Arsikere Tq cannot save limitation as it was filed in a Taluk which had no jurisdiction in the matter, the temple being situated in the Kadur Taluk.

The apllts pray that the records in the case may be called for and the matter disposed of after hearing them – They further pray that

NOTE—Contn. sheet.

GPB—65,000—17-5-12.

G. R. S. 12]

General and Revenue Secretariat.

File No. 35 of 1913

Serial No.

if the Govt should think it necessary a regular suit may be ordered to be filed by the respts for the establishment of their right, orders may be issued directing the stay of the execution of the Dy Commrs order pending disposal of their appeal.

Submtd. for orders. Report with records may, if approved, be called for from the Dy Cmr's, Kadra Dt. - & do not seem necessary to order the stay of execution of the Dy Comr's order as prayed for.

SW(132) 29-7-1913

31-7-13

Subd for Hr's Councillors.

The respondents were dispossessed of their Punjai duty nearly 20 years ago and there will be no inconvenience worth mentioning if they were to wait until the decision of the appeal. The appellants have a fair show of success on their side. The case appears to be a fit one where stay of execution might be ordered and the record called for

31.7.13

I agree

8/13

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

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R. S. 12]

General and Revenue Secretariat.

File No. 35 of 1913

Serial No.	
	Submd with D/5 MC(32) 5.8.13. Asstt Secy 7.8.13
2	To. the Dy. Comr. Kadur Dt. No 455 & 11.8.13 Forwards the above petn. for report with records. The Petitioners. (4th No 456 & 11.8.13 Informs them of the above. Petition D. No. 2140 dated 4.8.13 from Chikke Gowda and others of Karehalli and adjacent villages, Complaining that the Pujarishif of the Karehalli Amma has been entrusted by the Asst. Comr. Kadur Sub-dn. to Madigas who pose as Maridevarus and praying for their removal. Draft forwarding the petn. to the Dy. Comr. Kadur Dt. for report in continuation of G.O. No. 455 dated 11.8.13 Subd. for approval, 35-13-2 BD. 21.8.13 Asstt Secy 21/8/13
3.	From Chikke Gowda & others. Petn Dtd 4-8-13 Complain against the Sub-Dn Officer's order.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

5

R. S. 12]

General and Revenue Secretariat.

File No. 35 of 1913

Serial No.	
3f	To The Dy. Comm^r Kaduna. No 720 dy 27.8.13 Forwards the above for report i/r/o confirmation of Gp. No 457/35-13-2 dy 11.8.13
4	To The Petitioners No 721 dy 27.8.13 Intimates the above
5.	From, the Dy Comm^r, Kaduna Distt Letter no. 185 Dy 30-9-1913. Reports that the facts of the Case are fully dealt with in his order Dy 1st July 1913 appealed against, and adds that he has issued necessary orders to hold his order in abeyance pending disposal of the appeal. The Dy. Comm^r's order is flagged. This case will if directed, be posted for hearing by the Councillor along with others cases. Submitted NV (115) 23-10-1913 Yes. After posting Submit. Sec 31.10.13
	Dft. Notices Submitted Notices have been issued. The file is submitted as directed. NV (115) 18.11.1913. Subd 15 1st Commiss On the main question

sheet.

GPB—65,000—17-8-12.

R. S. 12]

General and Revenue Secretariat.

File No. 35 of 1913

Serial No.

whether the Puja of the Kaneshali temple was originally conducted by the Mari-Kumbars Eera and ~~Dhorta~~ Dhorta until they were ousted therefrom by the villagers in 1892. There seems to be very little doubt. The matter was contested in the Civil Courts and both the Munsiff and the Subordinate Judge were of opinion that there was no doubt that Eera and Dhorta were the original Pujaris. Though the Chief Court decided that the Civil Courts have no jurisdiction in a matter of this kind, the finding of the Subordinate Courts, Concurrent as it is, may be taken as a valuable statement of opinion based upon recorded evidence. Even in the Revenue enquiry there is ample evidence to support the conclusion that the Mari-kumbars were the original hakdar Pujaris and the present Bhatt Pujaris were interlopers not appointed by the village by any constituted authority.

The main contention of the appellants appears to be that since in the Mairkumbars, Eera and Dorta were the hakdars they lost the hak, if the village having themselves in adverse possession of ~~them~~ for more

sheet.

[GPB—65,000—17-6-12.

Serial No.

than two dues years. There is no doubt some force in this contention and keeping litigating in the Civil Courts, the dispossessed Pujaris less and Dasta have not moved the Revenue authorities having jurisdiction in the matter. Their negligence in the matter is perhaps due to a certain extent to the question having risen for their decision in another shape. The application of the Banavar villagers to take the deity of this village appears really to have been to restore the Mari Kumbar worship and this view is supported by a petition dated 3-4-95 to the Kadur Dy. Comm. from Malleyanda and others. This matter was all along under correspondence and in disposing of this application, the Dy. Comm. himself thought that the real question for decision was as to who should perform the Pooja and after this point was decided it would be easy enough to settle the question about taking the deity of Banavar. It could not thus be said that the Mari Kumbar Pujaris did not take steps within the Statutory period to establish their claims. Further admitted by the temple is a

sheet.

[GPB—65,000—17-6-12.

8

R S. 12]

General and Revenue Secretariat.

File No. 36 of 191 3-

Serial No.

Muzrai institution and the authority Govt. ratifying the action of the villagers is necessary before the appellants can claim a full title to the office.

It is also alleged that the deity has devotees among the higher castes and that Mari Kumbars who are of inferior caste standing should not worship the deity. A largely signed petition to this effect has also been submitted. It is not uncommon for Panchamas to officiate as priests at the temples of such village deities. It appears from the records that at the temples of Mattekalamma at Mallikere three miles from Davanere, the Pariahs are the Mari Kumbars and such instances are not wanting even near Bangalore, the most important instance that I know of being the worship of ~~Dodda~~ Ramyamma at Mother in Siddalghatta Taluk in connection with which a large fair attended by all classes of people is held

Lea
18.11.13

tn. sheet.

GPB—65,000—17-6-13.

G. R. S. 12]

General and Revenue Secretariat.

File No. 35 of 191 3-

Serial No.

(Flag T1)

(Flag S1)

3/12/13

GPB—65,000—17-8-12.

G. R. S. 12]

General and Revenue Secretariat | File No. 35 of 1912

Serial No.

Submitted for the
in favour of the
petitioners, and
and all the Counter
of the Co-
9.5.14

The evidence ~~is~~ chiefly consisting of admissions of opponents shows that the Petitioners (Mari-Kurubas) are entitled to the office hereditary right. They filed a suit concerning this in 1893, but though they succeeded in two Cts, the Ch. Ct ~~threw~~ threw it out on the ground of want of jurisdiction. They presented a petition to the Amildar of Asi-kere within a year of the decree of the Ch Court, and the matter has been dragging on in one form or other before the Rev Offrs. It cannot be held that their claim is barred by adverse possn. They may be given possn of the of-

NOTE—Contn. sheet.

GPB—60,000—7-11 13

G. R. S. 12]

General and Revenue Secretariat. | File No. 35 of 1917

Serial No.

Fee with all its attendant rights -

9/5/14

Draft. order
Rec
12.5.14.

Submtd. with 5 Pfs
AM 11/5
3-6-1914.

clean Pfs. Submtd.
AM 11/5
3.7.1914.

Subd 4 Pfs members
& regret the delay.
had to myself my memory after words
and this I am not able to do many &
more myself work

Drafts appd by First member
9.7.14

6 To the Dy Comm. Kaira. No 1
No 272 dt 29.7.14 Forward copy of
order dismissing the appeal.
No 273 & 29.7.14. Inform the
Appellants. Direct Date of abandonment

NOTE—Contn. sheet

GPB—60,000—7-11-13

B VII
18
1917

157

17/3/19/14

SERIAL NO. 35-13

Appeal against the Kadur Dist. Dy Com'rs order re puja right of Karehalli amma temple.
2 Rs stamp affixed.
Dy Com'rs order appealed against produced
Call for report vide reverse
8/4
18/7/13
Put up formal vide G.O. now

To

His Excellency the Right Hon'ble Lord Willingdon G.C.I.E. Governor in Council of Bombay.

The Government of H. H. the Maharaja of Mysore.

Inquiry appeal No. of 13-14.

Appellant — Respondent

1. Bhadra
2. Eera Boraiah residing at Karehalli Sakrepatna hobli Kadur Taluq

1. Thimma
2. Maiya.
residing at Karehalli Sakrepatna hobli Kadur Taluq

The appellants above named respectfully beg permission to appeal to the Government against the decision dated 1st July 1913 of the Deputy Commissioner of Kadur confirming the decision of the Assistant Commissioner Kadur Sub Division declaring the right of the Respondents to perform the puja of Karehalli Amma in the said Karehalli village Kadur Taluq, and to state as follows. —

That the

2

1 That the applicants have not admitted that the Respondents were worshipping the deity of Kannathy Amma, which is the one in dispute

2. That according to the admission of the Respondents they were peaceably dispossessed of their office of pooja so far back as 1893 and the applicants have been in uninterrupted adverse possession & enjoyment of the office since then up to the present time. The Respondents having filed civil suit for the recovery of the office the matter went up to the Chief Court in S.A. No 219-1895-96 and it was decided about the latter part of 1896 that the Civil Court had no jurisdiction. The Respondents have not till now filed either a regular suit or an application in the Kadur District for establishing their right and recovery of the office. Hence their right if any, is barred by limitation

The

3 The Deputy Commissioner was not right in thinking that an application dated 8th May 1897 (if I have been rightly by the Respondents) to the Assistant Judge, said limitation.

4. The Temple is situate in the village of Kanchally Kadur Taluq. application, if any, ought to have been made to the Revenue Authorities in the Kadur District. The Amildar of the Arasikere Taluq, which is in a different District, had no authority or jurisdiction to decide about the said matter in question. Moreover even this application does not seem to have been proceeded with or any decision passed on it. Such an application cannot therefore save limitation.

5. That the Respondents failed to bring in time a properly framed suit for the establishment of their right and recovery of office, in a Revenue Court having jurisdiction, in accordance with Revenue Law. Hence the applicants submit the Respondents have lost their right, if any, and the application is

4

acquired a right by adverse enjoyment also.

6. That even if the enquiries made by the Revenue Authorities on their own motion & initiative, the question of limitation and acquisition of right by adverse possession must be taken into consideration

7. The order of the Deputy Commissioner Mr. A. Subramanya Iyer) is "The matter should be considered as a dispute between the Maniyanmar pujaris Thimma & Dasa versus the Bedar pujaris Bhadra & Eera. The former are the calls upon to establish their right." x x x x "a regular enquiry under the Land Revenue Code will be held by the Assistant Commissioner Kadur District and a decision passed on their merits" The Deputy Commissioner's order clearly implies that the Respondents had to establish their right and the matter was to be registered as a regular suit under the Land Revenue Code and a regular enquiry made.

The Assistant

8. The Assistant Commissioner does not seem to have strictly complied with the Deputy Commissioners order but seems to have made a sort of summary enquiry

9. The Respondents have not established their right to the office of Pujari of the temple in question.

10. The temple in question has devotees belonging to higher Classes of people such as Sivachars & others. The Respondents belong to a low Class & admittedly they do not go into the houses of other people. So they could not have been the pujaris of the temple in question.

11. The appellants respectfully pray that the Madras Government may be pleased to send for all the records connected with the case, fix a day for hearing & permit the appellants to be represented by a

Vaidya

by a lawyer. [illegible] set
aside the order of the Deputy Commissioner
& Collector [illegible]
& the injunction in question.
If the Government deem it fit
necessary a regular suit may be ordered
to be filed by the Respondents for the
establishment of their title, if any.
The appellants, further pray that the
Government may be pleased to send
an order directing the stay of execution
of the Deputy Commissioners order
& permitting the appellants to continue
to do the duties pending the disposal
of this appeal.
Order of the Deputy Commissioner is hereby produced.

[illegible]

[illegible]
Advocate
17.7.1

Before the Deputy Commissioner,
Kadur District

Dated, Chikmagalur, 18th July 1913.

Present- K Krishna Iyer Esquire
Offg Deputy Commissioner.

Appellants.
Badra Era
(Bestars)

Respondents.
Linna & Abaiga.

In the matter of the Pujari Hak of the Amma's Temple at Karehalli, in the Kadur Taluk.

This is an appeal against the order of the Kadur Sub Divl Asst Commr Dd 17-10-12, declaring the Puja Hak in favour of respondents (Abarikurubars)

2. The Temple of Karehalli Amma is a Shrotr: Institution enjoying a land Inam of Rs 5/.

The right to worship this deity was admittedly in the hands of the ancestors of the present respondents (Abari-Kurubars). Some years ago, the Villagers headed by the Vahivatdar of the temple ousted the marikurubars from their right-

15

to worship and placed the appellants (Beddars) in charge of those duties. The Marikumbars filed a suit in the Munsiff's Court - Chikmagalur (O.S. No 217 of 1893) and the decision was in their favour. This decision was confirmed in appeal by the Sub-Judge in A.S. No 131/1894-95. In appeal before the Chief-Court the judgments of the Lower Courts were reversed not on the merits of the case, but on the ground that enquiry into the Puja Haks was not within the Province of Civil-Courts. (Vide order in appeal No 21/1895-96)

3. About 5th March 1897, application was made by Nanje Gowda of Banavar (of the Marikumbar party) to the Hosakere Taluk, for permission being obtained for the deity being brought into his Village, as was the Custom, for worship etc. In the Correspondence that followed, the question of Puja to the deity while it was taken out arose, evidently in the Kadur Taluk where the deity was at the time.

4. The question of taking the deity

to Banavar was decided in favour of the Banavar people in January 1906; but this order did not come into effect as the puja right was in dispute.

5. On receipt of records my predecessor in office (Mr. A. Subramanya Aiyer) passed the following order on 1-3-1912.

"The chief point in dispute in this case is whether Marikumbars ie Eva and Dhoota, the plaintiffs before the Chikmagalur Munsiff's Court or their sons Timma and Mayja now present are entitled to perform puja to the idol."

× × × × × ×

"The matter should be considered as a dispute between the Marikumbai Pujaris, Timma and Mayja, reffered to above, and the Bedar Pujaris Bhadra and Eva. The former are to be called upon to establish their right. A proclamation is to be issued calling upon all parties having a

right to perform Puja and not merely devotees to become parties to the action. A regular enquiry under the Land Rev: Code will be held by the Assistant Commissioner Kadur District, and a decision passed on their merits."

6. Accordingly the Assistant Commr held an enquiry into the claims brought forward by parties, recorded evidence in the presence of parties on the spot and passed his decision in favour of the respondents.

7. It is against this order that the Bedars have appealed.

8. Both parties appeared before me yesterday and on behalf of the appellants Mr. A. P. Ramaswamy Iyengar - Pleader also appeared.

9. It is admitted on all sides that the respondents belonging to the Dharikumbar class were the original Pujaris of the Temple; but on behalf of the appellants it is contended,

(1) that the Dharikumbars lost their right thereto long ago.

(2) that as they did not apply to the Rev: authorities in time after decision by the Chief-Court they are barred by the Law of limitation to do so now; and (3) that the claimants did not come forward to establish their claims by themselves, the present order of the Assistant Commissioner was uncalled for.

10. With regard to the first point it is clear from the facts stated above, that the respondents were without due authority removed by the Villagers themselves. This act of theirs has not received the Sanction of either the Taluk or the District Mowzai Authorities nor is there any record of the action being reported to Govt. Authorities more especially, as the institution is a Mowzai one. Further the respondents have been fighting out their claims in the Civil Courts and the decisions are all in their favour. Even the decision of the Chief-Court does not deny the right of the

respondents. Under these circumstances it cannot be held that as a result of the high handed actions of the Villagers, the respondents lost their rights.

11. With reference to the 2nd & 3rd points I don't think that the objections put forward are of any avail in cases where authorities, on their own motion and initiative take upon themselves to make enquiries into the question of worshiping and management etc of the institutions over which they have Control. Further there is an application dt 8-5-1897 presented by the respondent's fathers to the Arasikere Taluk files in the records praying for their right to worship being recognised and this is within one year from the date of decision by the Chief-Court.

12. I therefore confirm the orders passed by the Assistant Commissioner and dismiss the appeal.

PAGE VII

13. I further direct that the 1st & 2nd orders of the Assistant Commissioner now kept in abeyance be withdrawn and the Assistant Commissioner's order given effect to.

(Sd) L. Krishna Iyer
Offg. Dy. Commissioner

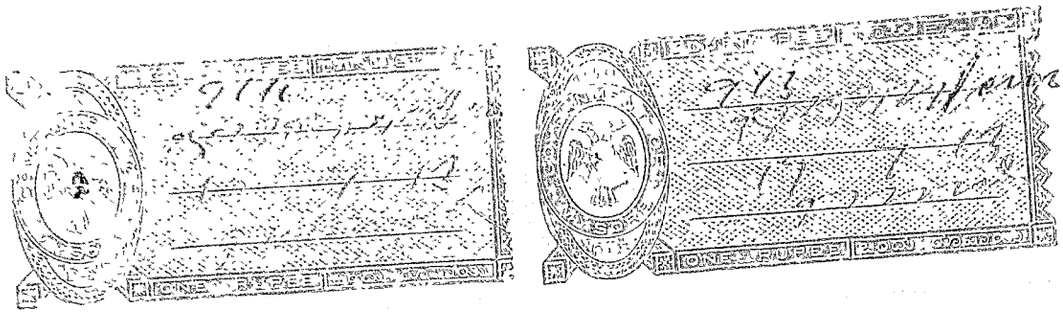
Compared
B Subbarayan
5/7/13

(Copy) "By Order"
B Nanjunda Rao
District Sheristadar.

DEPUTY COMMISSIONER'S OFFICE
CHIKMAGALUR.
Dated
KADUR DISTRICT.

Offg. Deputy Commissioner's Office
Kadur District.

Date of Copy Application 3.7.1913.
Date on which Copy was ready 4.7.1913.
Date on which Copy was delivered 5-7-1913.
Number of words 950
Copying fees Rs 1-4-0
Comparing fees " 0-3-4
Total Rs. 1-7-4.



14

ಕೋರ್ಟಿಗೆ.

1913 – 14ನೇ ಇಸವಿ ನಂಬರು.

ಅರ್ಜಿದಾರರು		ಪ್ರತಿವಾದಿ
1.	Vs.	1.
2.		2.

ಅಡ್ವೊಕೇಟ್ ಮ|| ರಾ|| ರಾ|| ಎಸ್. ವಿ. ನರಸಿಂಹೈಯಂಗಾರ್, ಬಿ. ಎ., ಬಿ. ಎಲ್., ರವರಿಗೆ.

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈನಲ್ ಹೊಂದತೆಕ್ಕಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ, ಅರ್ಜಿ ವಗ್ಯೆರೆ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕ್ಕೊಂಡು ರಶೀತಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾ ಸ್ಟ್ಯಾಂಪು, ಪ್ರೋಸೆಸ್ ಸ್ಟ್ಯಾಂಪು ಸಹ ಪಡೆದುಕ್ಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೈವಜು ವಗ್ಯೆರಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ, ಸಹ ಈಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾರೀಖು .....

ರುಜು.

ಈ ವಕಾಲತ್‌ನಾಮ ಕೊಟ್ಟವನು ನನಿಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿರುವರೆಂದು ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿಕ್ಕೆನೆ.

ಈ ವಕಾಲತ್‌ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.

17/3/13

National Press, Bangalore.

2045

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G.R.S. 29A]

19 .

From

Secy. to the Govt. of His Highness
The Maharaja of Mysore,
Genl. and Rev.Dept.

To
The D.C., Kadur Dist.

Dated

Despatched 11-8-13

Received

General No. 1155
Dept. No. 35

Enclosure No.

Has the honor to forward herewith for ~~favour~~ submission a report with records petition regd. no. 157 Dy 17th July 1913 from Bhadra, Ezra and others of Karehalli, Kadur Taluk, appealing against the Dy. Commr's. order declaring the right of Jaima and maiga to perform worship in Karehalli Amma's temple in Karehalli village, Kadur

G.P.B.—20,000—24-10-10.

Take ~~X~~

The execution of the Dy. Comm'rs. order appealed against should be ~~held in abeyance~~ stayed pending disposal of the appeal by Govt.

By order,

7.8.97

(Crs. order) for Secretary.

Offg

2 Dft.

17

Endt granted to Bhadra, Iyer of Karehalli, Kadur Taluk (Thro. their Advocate Mr M.V. Narasimiengar) with ref. to petition regd no. 154 Dy 17th July 1913 appealing against the Kadur Dy. Commrs order declaring the right of Thirumalaiah Naiga to perform Puja in Karehalli Amma's temple in Karehalli Village, Kadur Taluk

456 Dy 15/17

In reply, the petrs are informed that the Dy. Commr of the Kadur Dist has been asked to send up a report with records on the subject, and also to stay the execution of the Dy. Commrs order appealed against pending disposal of the appeal by Govt.

B. O.
Chief Secy 15/

5/8/13

B. 9/8

DEWAN'S OFFICE

Date of Receipt

Petn. Regr. No 884

No 720 Ex. 1. D 27/8/913
mus 35-13-Bf

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM.

No.....

The accompanying Petition Registered
No. 2140 dated 4th May 1913
received at the General and Revenue
Secretariat from Chikke Gowda
and others of Karehalli
and adjacent villages
complaining that the
Pujarishib of the Karehalli
Amma has been entrusted
to Madigas who pose as
Marikambars by the
Asst. Commr. Kadur Sub-Dn.
and praying for its transfer
into the hands of higher
Castemen.

is forwarded, ~~together with its enclosures~~,
to the Deputy Commissioner
Kadur &c.
.....for Report
in continuation of G.O. No. 435
35-13-2
of 11-8-13

By Order
for 21/8/13
Secretary

BANGALORE,
.....191 } 21/8/13

P. T. O.

GPB 1,000 12-2-12

21 ನಂ 721 ದಿ 27-8-1913

35-13-4

ತಹಶೀಲ್ದಾರ್ ರಾಮನಗರ ತಾಲ್ಲೂಕು

ಹೋಬಳಿ

ಕಾರೇಕಲ್ಲು ದೊಡ್ಡಿ ಗ್ರಾಮದಲ್ಲಿರುವ

ಸರ್ವೆ ಚಿಕ್ಕಮಂಚೇನಹಳ್ಳಿ ಜಿನ್ಗೇಕೆರೆ ಪರಸ್ಪರಕ್ಕೆ,—

ಇಂಡಾರ್ಸ್ ಹುಕುಂ.

ಕಾರೇಕಲ್ಲು ದೊಡ್ಡಿಯ ಅಮ್ಮನವರು

ಮುಂದಿಡಿಲಗಿನವರು ಮಂದಿನರಿಗೆ

ಕೆರೆಯಂಗಳದಲ್ಲಿ ಪಟ್ಟಾ ಲಂಡನ್ನ ಬುಗಿಗಾಲಾಗಿ ಸಾಗಿ

ಕೆಳಿಸಿಕೊಳ್ಳಲು ಬಿಟ್ಟಿರುವುದಾ

ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ ದಿ. 21/8/13

ವಹಿಸಿಕೊಂಡ ಅರ್ಜಿಯನ್ನು ತಿಪ್ಪೇಗೌಡ ಬಗ್ಗೆ

ರಾ ತಾ ದಿ 11 ತಿಂ ರಿ-11

ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ.

ಬೆಂಗಳೂರು

By Order,

21/8/13

For Secretary.

ಕಂ/-ಕ-/13

VI

912

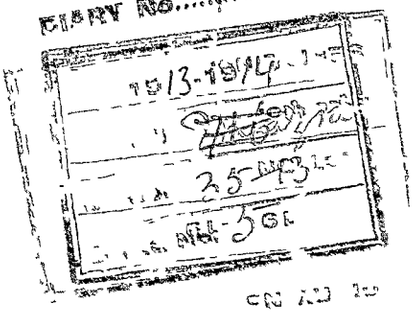
191

From The Deputy Commissioner
Kaira District

To The Secretary to the Govt of Bombay.
Bombay.

Dated 30-9-1913
Despatched 2-10 "
Received
General No. 1 C
No.
Enclosure No. One Print & 6 Enclosures.

Report upon the
Nagari Acha of
Kanhaiya Amra
Timba, Kaira Th.
as per Letter 4 7
Bombay, Era & Thana
7/6



GPB—50,000—8 1 13

Office of the Deputy Commissioner
Kadur District
Dated Chikmagalur 30th. September 1913.

From

K.Krishna Iyer Esquire.
Deputy Commissioner
Kadur District.

To

K.R.Srinivasa Iyengar Esq.M.A.,
Secretary to the Government of H.H.The Maharaja
of Mysore, General & Rev Departments, Bangalore.

Sir,

With reference to your Official Memo No.455/Muz 35-13-2 dated 11-8-1913 calling for a report together with records in the matter of the petition of Bhadra, Era, & others of Karehalli village, Kadur Taluk, appealing against my order declaring the right of Thimma & Maiga to perform the Puja in the Karehalli Amma's temple at the place, I have the honor to submit herewith the Vernacular Files bearing on the subject as per pherist herein enclosed and to state that the facts of the case are fully dealt with in my order filed with the records which was passed after hearing both parties.

2. I beg to add that necessary orders have been issued in the matter of holding my order in abeyance till the disposal of the present appeal by Government as desired in the last para of the reference under reply.

3. The petition received with your official memorandum No.720/Muz 35-13

/Mux 35-13 dated 27th Idem is also resubmitted together with the 344

apreal petition.

I have the honor to be,

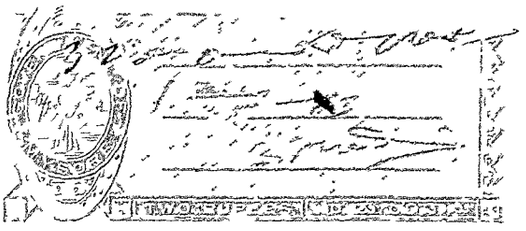
Sir,

Your most obedient servant.

Deputy Commissioner

Kadur District.

NS



ಮೈಸೂರು ಪ್ರಾಂತ್ಯದ ಸಬ್ ಜಡ್ಜರ ಕೋರ್ಟಿಗೆ.

1913 —1914 ನೇ ಇಸವಿ ಕೋರ್ಟ್ ಸುಬ್ಬರ್ಡಿಯ ನಂಬರು.

ಅಪೀಲಿಲೀ ವಾದಿ. ಗೌಡ —
1. ಭದ್ರ.
2. ಅಂಕ.

ಅಪೀಲಿಗೆ ಪ್ರತಿವಾದಿ. ಗೌಡ
1. ಶಿವಣ್ಣ —
2. ಸಂಪಣ್ಣ.

ಅಪೀಲಿಗೆ ಮ॥ ರಾ॥ ಶ್ರೀ. ಟಿ. ಎಸ್. ಸುಬ್ಬಯ್ಯನವರ ಮುಖಾಂತರ ಬಿನ್ನಹವೇನೆಂದರೆ.

ಅಪೀಲಿಗೆ ಕೊಟ್ಟಿರುವ ವಕಾಲತ್ತಿನಾಮ.

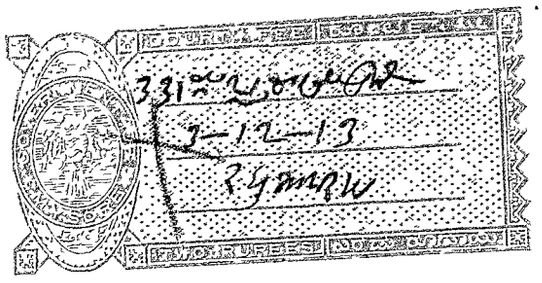
ಮೇಲ್ಕಂಡ ನಂಬರ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದವನ್ನು ಫೈಸಲ್‌ಹೊಂದತಕ್ಕ ಬಗ್ಗೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯ ನಡವಳಿಕೆಗಳ ವಿಚಾರಣೆಗ್ಗೂ, ಆರ್ಜಿ ವಗೈರೆ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ನೊಟಿಲಗು ಶಿಲು ಮೊಟಿಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ಪಾಸಾದ ಆರ್ಡರ ದಾಖಲಾತ್ಮಂಪು ಪ್ರೋಸೆಸಾತ್ಮಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಷಯ ವಿಶೇಷ ವಜಾ ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ, ಸಹ ಈ ಮೇಲಿಂಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕೆಲಸಗಳೆನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿ ಇರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು 2—12—13 } ರುಜು.

ಈ ವಕಾಲತ್ತಿನಾಮೆ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇವಕ್ಕೆ ರುಜು ಮಾಡಿರುವದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇದ್ದೇನೆ.

ಈ ವಕಾಲತ್ತಿನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

ಈ ಪ್ರಕಾರ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ಸ್ಕೂಲ್ ಮೇಸ್ತ್ರಿಯವರು ನಮ್ಮಜಂಟಿಯವರನ್ನು ನೋಡಿಕೊಳ್ಳುವರು.



ಸಿಟಿ ಸಿವಿಲ್ ಜಡ್ಜ್ ಕೋರ್ಟ್, ಬೆಂಗಳೂರು.

1913 — 14 ನೆ ಸಿವಿಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡಿನಂತೆ.

ವಾದಿ.

ಪ್ರತಿವಾದಿ.

VS.

ಮಾನ್ಯ ಸಿವಿಲ್ ಜಡ್ಜ್ ಸಾಹೇಬರವರಿಗೆ

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕುಮೊಬಲಗು ಸಹಾ ಪಡಿಯಲಿಕ್ಕೂ, ನನಗಾಗಿ ರೀಫಂಡ್ ಆಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡಿಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟಿಓ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕ್ಕೊಳ್ಳಲು ಬದ್ದನಾಗಿ ಇಧ್ದೇನೆ.

ತಾರೀಖು

ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ವರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

Advocate

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿಧ್ದೇನೆ.

Advocate

ಈ ಫಾರಂ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ೨೬೬ ನೆ ನಂಬರು ಪ್ರಾಪ್‌ರೀಟರ್ (ಹೆಚ್. ಬಿ. ಚಿಕ್ಕಣ್ಣನವರಲ್ಲಿ) ದೊರೆಯುತ್ತೆ.

V. Sangha Press, Bangalore City.

117

21

Before the Government of His Highness the

Maharaja of Mysore.

Appeal No. of

Appellant. Vs. Respondent

(1) (2)
Bhadra and Era (1) Thimma son of Era
(Bestars) of karehalli, (2) Nidiga son of Dhoota
Kadur Taluk marikurubars of karehalli
in the Kadur Taluk.

Subject.

Pujari right of karehalli Amma's temple at karehalli in the Kadur Taluk.

Facts of the case.

The Temple of karehalli Amma in the Kadur Taluk is a murzai institution endowed with certain inam lands.

The worship of this deity was being conducted by marikurubars Era and Dhoota fathers of respondents 1 & 2. As the result of a dispute, the marikuruba Pujaries were turned out by the Patel Mudde Gowda who was the Vahivatdar

GPH—1,000—13-1-12

of Temple, assisted by the villagers and the worship was handed over to the appellants Bhadra and Era- who are Beddy by caste.

A Suit O.S. no 214 of 1893 was filed by ~~the~~ ~~Marikumbars~~ in the chickmagalur Munsiff's Court and a decision was obtained in their favor, and this was upheld in appeal by the Sub-judge in ~~O~~ A.S no 131 of 1894-5. On a second appeal the Chief Court reversed the Concurrent judgments of the lower Courts ~~strictly~~ on the ~~technical~~ ground of want of jurisdiction, ~~and holding~~ ~~that the Civil Courts cannot take Cognizance of such suits~~.

Era and Bhoota thereupon petitioned the Amildar of Arasikere Taluk praying for their reinstatement as the Pujaris of the Temple in question and the matter has been in one form or other under the Consideration of the Revenue authorities ever since.

On 1st March 1912 the Dy. Commr before whom the records went-up for orders framed an issue in the following terms

Whether marikumbars i.e. Era and Bhoota, the Plaintiffs before the chickmagalur Munsiff's Court or their ~~on~~ Thimma

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

and Raija now present are entitled to perform puja to this idol; and the case was referred to the Assistant Commissioner for a regular enquiry and decision -

Accordingly an enquiry was held by the Assistant Commr and evidence recorded in the presence of the parties concerned and ~~the dispute which was found in favour of~~ a finding arrived at were entitled to the offrn. that ~~the respondents~~. Against this decision, the present aplts Bhadra and Era appealed to the Dy Commr ~~and he~~ who confirmed the Assistant Commrs. order.

And the contentions of the respondents upheld.

The present appeal is against this order of the Dy. Commr - The case was heard by Gurt ~~and~~

GPS—12,000—15-2-13.

~~Judgment was reserved.~~

(Short

Mr. V. V. Narasimhagar, Advocate, appeared for the apltts and Mr. B. V. Ramaswamy Chetti, for the respondents.

Decision

The evidence in the Revenue enquiry chiefly consisting of admissions of opponents shows that the ~~petrs~~ respondents (Mari-kurubas) are entitled to the office of Pujari by hereditary right. They filed a suit concerning this in 1893, but though they succeeded in two Courts, the Chief Court threw it out on the ground of want of jurisdiction. They presented a petition to the Amildar of Arasikere within a year of the decree of the Chief Court, and the matter has been

G R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

~~dragging on~~ in one form or other before the Revenue officers. It cannot be held that their claim is barred by adverse possession. The respondents - Thimma and Maiya - may be given possession of the Puja office in dispute with all its attendant rights. The appeal is dismissed.

Memo - No.

Copy of the above is forwarded to the Dy. Commissioner, Kasaragod, returning the entire record received with his letter no 185 Dy 30th September 1913.

By order,

Asst. Sec. 3/7/14

for Hg. Secretary.

No 272
Mus 35-13-6 Encls

Dy 29.7.1914

Submitted
The order may be printed as usual.

9/7/14

Clean Draft

MS 11/5 3/7/14

GPS—12,000—15-2-13.

2

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No 273 ——— 1914
Mur 35-13-6

Endorsement granted to Bhadra and Era, Bestars of Karehalli, Kadur Taluk, (Through their Advocate Mr. N. V. Narasimhayar) with ref. to their ~~appeal~~ petition dated the 17th July 1913 ~~regarding the~~ appealing against the Dy. Commrs. order regarding the ~~Archakship~~ Poojari right of Karehalli Amma Temple.

In reply the petrs. are informed that orders of Govt have been passed confirming the Dy. Commrs. order appealed against declaring that the respts. (Marikumbars - Thimma and Linga) are entitled to conduct worship in the Temple in question.

By order
Sd
2170
for Secy. to Govt.

P.T.O

9/7/14

GPS—12,000—15-2-13.

23

Copy is forwarded No 2074 dt 24.7.61
to B. V. Ramaswamy mm 35-13-6
chetti, Adv. for the respts

By order,

24/7/61.

for Asst. Secretary.

Proceedings of the Government of His Highness the Maharaja of Mysore,

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No.

Appellants	*vs.*	*Respondents.*
(1) Bhadra and (2) Era (Bestars) of Karehalli, Kadur Taluk.		(1) Thimma, son of Era. (2) Maiga, son of Dhoota, Marikurabars of Karehalli in the Kadur Taluk.

Subject.

Pujari right of Karehalli Amma's temple at Karehalli in the Kadur Taluk.

Facts of the Case.

The temple of Karehalli Amma in the Kadur Taluk is a Muzrai institution endowed with certain inam lands.

The worship of this deity was being conducted by Marikurubars Era and Dhoota, fathers of respondents 1 and 2. As the result of a dispute, the Marikurubar Pujaries were turned out by the Patel Mudde Gowda who was the Vahivatdar of the temple assisted by the villagers and the worship was handed over to the appellants. Bhadra and Era who are Bestars by caste.

A suit O. S. No. 217 of 1893 was filed by Era and Doota in the Chikmagalur Munsiff's Court and a decision was obtained in their favour, and this was upheld in appeal by the Sub-Judge in A. S. No. 131 of 1894-15. On a second appeal the Chief Court reversed the concurrent judgments of the lower courts on the ground of want of jurisdiction.

Era and Dhoota thereupon petitioned the Amildar of Arsikere Taluk praying for their reinstatement as the Pujaris of the temple in question and the matter has been in one form or other under the consideration of the Revenue authorities ever since.

On the 1st March 1912 the Deputy Commissioner before whom the records went up for orders in another connection framed an issue in the following terms. Whether Marikurubars, *i.e.*, Era and Dhoota, the plaintiffs before the Chikmagalur Munsiff's Court or their sons Thimma and Maiga now present are entitled to perform puja to this idol, and the case was referred to the Assistant Commissioner for a regular enquiry and decision.

Accordingly an enquiry was held by the Assistant Commissioner and evidence recorded in the presence of the parties concerned and the contention of the respondent upheld. Against this decision, the present appellants Bhadra and Era appealed to the Deputy Commissioner who confirmed the Assistant Commissioner's order.

The present appeal is against the order of the Deputy Commissioner. The case was heard by Government when Mr. N. V. Narasimiengar, Advocate, appeared for the appellants and Mr. B. V. Ramaswamy Chetti for the respondents.

Decision.

The evidence in the Revenue equiry chiefly consisting of admissions of opponents shows that the respondents (Marikurubars) are entitled to the office of Pujari by hereditary right. They filed a suit concerning this in 1893, but though they succeeded in two courts the Chief Court threw it out on the ground of want of jurisdiction. They presented a petition to the Amildar of Arsikere within a year of the decree of the Chief Court, and the matter has been pending in one form or other before the Revenue Officers. It cannot be held that their claim is barred by adverse possession. The respondents Thimma and Maiga may be given possession of the Puja office in dispute with all its attendant rights. The appeal is dismissed.

Muzrai, dated 29th July 1914.

No. 272—Muz. 35-13-6, dated Bangalore, 29th July 1914.

Copy of the above is forwarded to the Deputy Commissioner, Kadur District, returning the entire records received with his letter No 185, dated 30th September 1913.

By Order,

Draft

for Offg. Secy. to Govt., Gen. & Rev. Depts.

Md. - C. R.

Proceedings of the Government of His Highness the Maharaja of Mysore,

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No.

Appellants	*vs.*	*Respondents.*
(1) Bhadra and (2) Era (Bestars) of Karehalli, Kadur Taluk.		(1) Thimma, son of Era. (2) Maiga, son of Dhoota, Marikurabars of Karehalli in the Kadur Taluk.

Subject.

Pujari right of Karehalli Amma's temple at Karehalli in the Kadur Taluk.

Facts of the Case.

The temple of Karehalli Amma in the Kadur Taluk is a Muzrai institution endowed with certain inam lands.

The worship of this deity was being conducted by Marikurubars Era and Dhoota, fathers of respondents 1 and 2. As the result of a dispute, the Marikurubar Pujaries were turned out by the Patel Mudde Gowda who was the Vahivatdar of the temple assisted by the villagers and the worship was handed over to the appellants. Bhadra and Era who are Bestars by caste.

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Era and Dhoota thereupon petitioned the Amildar of Arsikere Taluk praying for their reinstatement as the Pujaris of the temple in question and the matter has been in one form or other under the consideration of the Revenue authorities ever since.

On the 1st March 1912 the Deputy Commissioner before whom the records went up for orders in another connection framed an issue in the following terms. Whether Marikurubars, *i.e.*, Era and Dhoota, the plaintiffs before the Chikmagalur Munsiff's Court or their sons Thimma and Maiga now present are entitled to perform puja to this idol, and the case was referred to the Assistant Commissioner for a regular enquiry and decision.

Accordingly an enquiry was held by the Assistant Commissioner and evidence recorded in the presence of the parties concerned and the contention of the respondent upheld. Against this decision, the present appellants Bhadra and Era appealed to the Deputy Commissioner who confirmed the Assistant Commissioner's order.

The present appeal is against the order of the Deputy Commissioner. The case was heard by Government when Mr. N. V. Narasimiengar, Advocate, appeared for the appellants and Mr. B. V. Ramaswamy Chetti for the respondents.

Decision.

The evidence in the Revenue equiry chiefly consisting of admissions of opponents shows that the respondents (Marikurubars) are entitled to the office of Pujari by hereditary right. They filed a suit concerning this in 1893, but though they succeeded in two courts the Chief Court threw it out on the ground of want of jurisdiction. They presented a petition to the Amildar of Arsikere within a year of the decree of the Chief Court, and the matter has been pending in one form or other before the Revenue Officers. It cannot be held that their claim is barred by adverse possession. The respondents Thimma and Maiga may be given possession of the Puja office in dispute with all its attendant rights. The appeal is dismissed.

Muzrai, dated 29th July 1914.

No. 272—Muz. 35-13-6, dated Bangalore, 29th July 1914.

Copy of the above is forwarded to the Deputy Commissioner, Kadur District, returning the entire records received with his letter No. 185, dated 30th September 1913.

By Order,

Offg. Secy. to Govt., Gen. & Rev. Dept.

Fxd.—C. R.

1914-15

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 29th July 1914

No. 272
Muz. 35-13-6

Passing orders on the Pujari right of Karehalli Amma's temple at Karehalli in the Kadur Taluk.

GPB--3-8-14 -200